

United States District Court
District Of Massachusetts

RECEIPT # 66908
AMOUNT \$ 250.00
SUMMONS ISS. yes + mailed to P/H
LOCAL RULE 4.1
WAIVER OF SERV. _____
MCF ISSUED _____
AO 120 OR 121 _____
BY DPTX CLK [Signature]
DATE 9-14-05

Plaintiff's Name

John F. Connolly
111 Devir Street
Malden, MA 02148

VS.

05-11860NG

Referred to CH MJ MB Baulu

Defendant's Name (s)

- (1.) Paul Lennon, Human Resources Specialist
Department of Veterans Affairs
150 South Huntington Ave
Boston, Mass 02130
- (2) Linda Rubino, President AFGE L-2143 (co-defendant)
150 South Huntington Ave
Boston, Mass 02130

Complaint

Parties

1. The plaintiff John F. Connolly is a resident of Malden Massachusetts and a citizen of the United States.
2. The Defendant Paul Lennon is a resident of Brockton, Massachusetts and a citizen of the United States.
3. The Defendant Linda Rubino is a resident of Weymouth and a citizen of the United States.

Jurisdiction

4. This court has jurisdiction over this matter pursuant to U.S.C. § 1332.

Facts

5. On March 21st 1997 the Department of Veterans Affairs and the American Federation of Government Employees entered into a contract agreement known as the 'Master Agreement'. Whereby The Department of Veterans Affairs and The American Federation of Government Employees agreed to work together in partnership through the Master Agreement, (page #4 Preamble Section #2 paragraph #2).
6. On June 22, 2005 at approximately 11:55 AM, Lt. Trombley for the Department of Veterans Affairs violated the agreement to that contract article 16 section #1 Employee Rights and Article #46 Section #2 Subsection (c) Union Rights.
7. On 6 -24-05 Officers Kane and Connolly, Union Members of local #2143, filed a first step grievance with Management for that violation of the contract. Officers Kane and Connolly represented themselves according to article number 42 section #5 'Representation'.'an employee may pursue a grievance without union representation.'
8. Lt. Trombley responded to the first step on 1 July 05 Stating, '*I had heard there maybe some trouble regarding a union sponsored activity.*' That statement gave me cause to believe that there were additional information/documents to show cause for the contract violation. In those documents it would show that management and the Union President, Linda Rubino, conspired to violate the above mention articles and sections of the contract.
9. On 8th of July the Grievant(s) filed a 'Freedom of information request under 7114(b) (4) in writing requesting those documents, for the purpose of defending the contract violation.
10. Throughout the grievance process the Union President, (Linda Rubino) defendant, interfered and sabotaged the grievance process by working with management and Human Resources Specialist, (Paul Lennon) to deny me the documents, on August 4, 2005 at 10:03 a.m. via E-mail through government e-mail process. Lennon the HR resource specialist stated the reason for the denial was that I had falsely represented myself, as "The Local" in the initial request therefore he was denying my request. Union President Linda Rubino acting outside of her scope of responsibility. She advised (HR) Paul Lennon that he did not have to give those documents to me, The Union President (Rubino) was not my representative in this contract dispute and in fact was a major causing factor of the violation, thus excluded her from her role as a negotiator in this grievance. Lennon

failed to negotiate with grievant(s) (Officer Connolly and Officer Kane) directly. Lennon on part of the Department of Veterans Affairs denied me the documents requested based on a prejudiced third party's involvement (Rubino) Defendant.

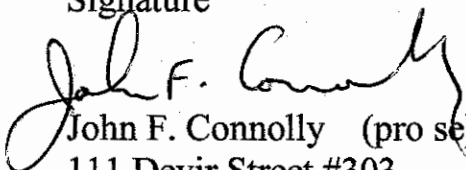
11. The documents were denied to the plaintiff thirty days past the requested date (July 8, 2005) thirteen days past the maximum allowed by law of (20 days). The documents were denied again on August 11th Via E-mail response.
12. Officer Connolly and Officer Kane were discriminated against for their union activity, a protected right by law and under the contract by the defendants. Without these documents grievant(s) to contract violation are unable to proceed successfully. The grievant(s) to the contract dispute are dues paying members of the local union #2143. Bargaining unit employees are, 'The local' and have a right to those documents.

Summary/Conclusion

13. WHEREFORE, the plaintiff demands judgment against the defendants for damages and such other relief as the court deems just
 - (1.) The court is being asked render legal interpretation and to address the issue that Human resources specialist Paul Lennon and Union President Linda Rubino have raised saying that I have falsely represented myself in my FOIA request.
 - (2.) Order the Department of Veterans Affairs to comply with the FOIA document request forthwith All documents requested on FIOA form, specifically Uniformed Offenses report # 0506221220 with all witness statements attached to include Officer Giannetti's statement, all e-mails from Union president to police services personnel regarding complaint of possible trouble, prior to and including that date of the incident, (6-22-05) and police supervisor notes in regards to the same incident.
 - (3.) Order the Department of Veterans Affairs to pay all legal fees and expenses associated with this case, and a punitive fine.

- (4.) Order the Department of Veterans Affairs to post the favorable decision of this case, on employee bulletins boards located on the third and first floor.
- (5.) Order the President of the union (Linda Rubino) to cease and decist interference in this case.
- (6.) Order to the Department of Veterans Affairs to rehear the contract grievance case pending the discovery of new evidence documents and release of said documents.

Signature


John F. Connolly (pro se)
111 Devir Street #303
Malden, Mass 02148
781-322-2558

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS John F. Connolly
111 DEVER ST #303
MALDEN, MASS 02148

(b) County of Residence of First Listed Plaintiff Middlesex
 (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number) pro se
John F. Connolly 02148
111 DEVER ST #303 MALDEN, MA

DEFENDANTS PAUL LENNON + LINDA RUBINO
150 S. HUNTINGTON AVE
Boston MA 02130

County of Residence of First Listed Defendant SUFFOLK
 (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known) unknown

05-11860-NG

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

☐ 1 U.S. Government Plaintiff

☐ 2 U.S. Government Defendant

☐ 3 Federal Question (U.S. Government Not a Party)

☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	<input checked="" type="checkbox"/> 1	<input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4	<input checked="" type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret.-Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input checked="" type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

☒ 1 Original Proceeding

☐ 2 Removed from State Court

☐ 3 Remanded from Appellate Court

☐ 4 Reinstated or Reopened

☐ 5 Transferred from another district (specify)

☐ 6 Multidistrict Litigation

☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): under 7114 (b)(1)

Brief description of cause: Denied Documents under FOIA-Request

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE

DOCKET NUMBER

DATE 8/31/05

SIGNATURE OF ATTORNEY OF RECORD John F. Connolly (pro-se)

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. Title of case (name of first party on each side only) Freedom of Information Act
7114 (b)(4) John F. Connolly (Plaintiff) Paul Lennon (Def)

2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).

- I I. 160, 410, 470, 535, R.23, REGARDLESS OF NATURE OF SUIT.
- II II. 195, 196, 368, 400, 440, 441-446, 540, 550, 555, 625, 710, 720, 730, *Also complete AO 120 or AO 121 for patent, trademark or copyright cases
 740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950.
- III III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- IV IV. 220, 422, 423, 430, 460, 480, 490, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- V V. 150, 152, 153.

05-11860NG

3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

None

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?

YES ☐ NO ☒

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES ☐ NO ☒

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES ☐ NO ☒

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?

YES ☐ NO ☒

7. Do all of the parties in this action, excluding governmental agencies of the United States and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).

YES ☒ NO ☐

A. If yes, in which division do all of the non-governmental parties reside?

Eastern Division ☒ Central Division ☐ Western Division ☐

B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division ☒ Central Division ☐ Western Division ☐

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)

YES ☐ NO ☒

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME

John F. Connolly (pro-se)

ADDRESS

111 DEVER ST #303 MAIDEN MASS 02148

TELEPHONE NO.

281-322-2558